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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSE LUIS QUINTERO-ARIAS,

Defendant - Appellant.

No. 08-50275

D.C. No. 3:07-cr-00167-GT-1

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Gordon Thompson, District Judge, Presiding

Submitted December 17, 2008<sup>\*\*</sup>

Before: GOODWIN, WALLACE, and TROTT, Circuit Judges.

Jose Luis Quintero-Arias appeals from the four-month sentence imposed following the revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Quintero-Arias contends that his sentence is unreasonable because the district court relied upon the impermissible factor of “just punishment,” set forth in 18 U.S.C. § 3553(a)(2)(A), in formulating the sentence. We disagree. The record indicates that the district court did not impose the sentence based primarily on an impermissible factor. We therefore conclude that the sentence is reasonable. *See United States v. Miquel*, 444 F.3d 1173, 1182-83 (9th Cir. 2006); *see also United States v. Simtob*, 485 F.3d 1058, 1063-64 (9th Cir. 2007).

**AFFIRMED.**